

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVELYN ELIZABETH COLON,

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET
COMPANY LLC,

Defendant.

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GABRIEL W. GORENSTEIN, United State Magistrate Judge

For purposes of determining whether jurisdiction exists under the diversity statute, a limited liability company “takes the citizenship of each of its members.” Bayerische Landesbank, N.Y. Branch v. Aladdin Cap. Mgmt. LLC, 692 F.3d 42, 49 (2d Cir. 2012). As for corporations, 28 U.S.C. § 1332(c)(1) provides that “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.”

Defendant’s Notice of Removal (Docket # 1) is unclear on the issue of diversity jurisdiction. It states that the defendant LLC’s “sole member” is Ahold U.S.A., Inc. But the next sentence avers that no other entity has an ownership of “10% or more” — leaving open the possibility that some entity has an ownership interest in the LLC of less than 10%. Furthermore, the statement that “Ahold U.S.A., Inc.” is a “Delaware corporation” is insufficient as it does not indicate each state where it is incorporated and the state where it has its principal place of business.

Defendant is directed to file a supplement to its Notice of Removal that provides clarification on or before April 17, 2024.

SO ORDERED.

Dated: April 10, 2024
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge